

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

FILED BY *lg* D.C.  
05 SEP -2 PM 4: 21

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

PHILIP E. BOYNTON, CLARENCE W. )  
BOYNTON, NORMA ANN LOGAN, )  
RENELDA J. WESTFALL, SHANNON )  
NONN, AARON SCOTT BERNARD, )  
ALAN F. BERNARD, LINDA R. BERNARD )  
and DAVID ALLEN BERNARD, Individually, )  
and on behalf of an Unincorporated Association )  
d/b/a "Adtech, Inc. of Illinois," on behalf of a )  
General Partnership d/b/a "Adtech, Inc. of )  
Illinois," and on behalf of a class of similarly )  
situated persons, )

Plaintiffs, )

vs. )

HEADWATERS, INC., f/k/a Covol )  
Technologies, Inc., JAMES G. DAVIDSON, )  
A. GRAYDON HOOVER, and Unnamed )  
DOE DEFENDANTS 1 - 25, )

Defendants. )

and )

HEADWATERS, INC. f/k/a Covol )  
Technologies, Inc., )

Counterclaimants, )

vs. )

PHILLIP E. BOYNTON, VINCENT M )  
HAMILTON, MAX IRVIN, CLARENCE W. )  
BOYNTON, NORMA ANN LOGAN, )  
RENELDA J. WESTFALL, SHANNON )  
NONN, AARON SCOTT BERNARD, ALAN )  
F. BERNARD, LINDA R. BERNARD )  
And DAVID ALLEN BERNARD, and DOE )  
DEFENDANTS 1-25, )

Counterclaim Defendants )

406

**AMENDED WRIT OF *HABEUS CORPUS AD TESTIFICANDUM***

To: Superintendent  
Federal Correctional Institute  
Forrest City, Arkansas

and

The United States Marshall's Service  
Western District of Tennessee

It appearing to the Court upon a review of Defendant James Gary Davidson's Unopposed Petition for a Writ of *Habeus Corpus Ad Testificandum* that the petition is well taken and should be granted, it is therefore:

ORDERED, ADJUDGED and DECREED as follows:

1. The United States Marshall's Service shall transport James G. Davidson, inmate registration number 15646-076, from the Federal Correctional Institution (FCI) located in Forrest City, Arkansas to Memphis, Tennessee no later than Tuesday, September 6, 2005 to be retained in the Western District until the completion of the civil trial of the case.<sup>1</sup>

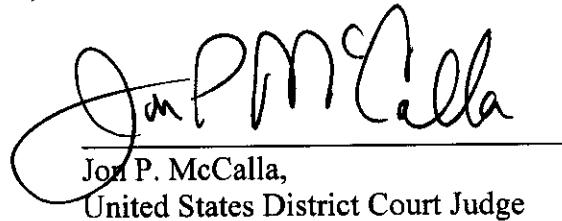
2. The United States Marshall's Service transport James G. Davidson to this Court on Tuesday, September 6, 2005 at 9:00 a.m. and everyday subsequent to that date until James G. Davidson is excused by the Court.

3. The costs and expenses associated with transporting James G. Davidson to Memphis, Tennessee for trial, his confinement in Memphis, Tennessee during trial and his return transportation to the Federal Correctional Institution in Forrest City, Arkansas after trial shall be borne by the United States Marshall's Service.

---

<sup>1</sup> The Court has been informed that the FCI facility is under quarantine because of an outbreak of chickenpox. Defendant Davidson will be tested for the virus. If he tests negative, he will be transported to the Western District on Tuesday, September 6; if he tests positive, he will be detained at FCI and trial may be postponed.

ENTER this the 1 day of September, 2005.



Jon P. McCalla,  
United States District Court Judge

This Writ was prepared by:  
**Davis Law Firm, P.C.**

---

Brian L. Davis  
Attorney for Defendant,  
James G. Davidson  
5185 Getwell Road  
Southaven, MS 38671  
662-393-8542

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served on:

Jeffrey A. Greene  
Attorney for the Plaintiff  
One Burton Hills, Suite 330  
Nashville, TN 37215

Larry Laycock, C. J. Ververka  
Workman, Nydegger & Seeley  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, Utah 84111

Greg Oakley  
Soper & Oakley, P.C.  
113 29<sup>th</sup> Ave., S.  
Nashville, TN 37212

Edwin E. Wallis  
Moss, Benton & Wallis, PLLC  
325 N. Parkway  
P.O. Box 3897  
Jackson, TN 38303

---

Certifying Attorney



# Notice of Distribution

This notice confirms a copy of the document docketed as number 406 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on September 6, 2005 to the parties listed.

---

Brian L. Davis  
LAW OFFICE OF BRIAN DAVIS  
919 Ferncliff Cove  
Suite 1  
Southaven, MS 38671

Larry R. Laycock  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

David R. Wright  
WORKMAN NYDEGGER & SEELEY  
100 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Charles J. Veverka  
WORKMAN NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Guy C. Nicholson  
TISDALE & NICHOLSON  
2029 Century Park East  
Ste 900  
Los Angeles, CA 90067

Edwin E. Wallis  
MOSS BENTON & WALLIS, PLLC  
325 N. Parkway  
P.O. Box 3897  
Jackson, TN 38303-3897

R. Parrish Freeman  
WORKMAN NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Jeffrey A. Greene  
One Burton Hills Blvd  
Ste 330  
Nashville, TN 37215

Brent P. Lorimer  
WORKMAN NYDEGGER  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT 84111

Greg Oakley  
SMALL SOPER & OAKLEY  
One Burton Hills Blvd.  
Ste. 330  
Nashville, TN 37215

Joseph G Pia  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Honorable Jon McCalla  
US DISTRICT COURT